IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

Regular First Appeal Nos.340 & 341 of 2000.

Date of decision:7th September, 2007.

RFA 340/2000

Sh Umed Ram & Ors ……..**Appellant**

Versus

State of H.P. and another ……..**Respondents.**

AND

RFA 341/2000

Kamlesh …… **Appellant**

Versus

State of H.P. and another ……..**Respondents.**

Coram

The Hon'ble Mr.Justice Dev Darshan Sud,J.

Whether approved for reporting ?[1]

For the Appellant : Mr. Debinder Ghosh, Advocate.

For the Respondent: Mr. M.S. Chandel, Advocate General,
with Mr. Rajan Dewan, Addl. AG.

Dev Darshan Sud,J.

Both these appeals are being disposed of by a common judgment as they involve common question of law and fact.

It is undisputed before me that the acquisition in both these cases was made for the construction of Shoghi-Dhari road by a common notification under Section 4 of the Land Acquisition Act, 1894. It is also admitted that this very notification and the award made pursuant thereto has been the subject matter of adjudication in RFA Nos. 352, 353 and 354 of 2000 decided on 27th August, 2007 I am in agreement with the judgment and do not find any reason to differ from the reasoning or conclusion arrived therein, more especially when the acquisition is for a

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[1] ***Whether the reporters of Local Papers may be allowed to see the judgement***?

common purpose and the award has been made pursuant to a common notification and evidence on the record. This court while disposing of all the three appeals, as aforesaid, held that the appellants in those cases shall be entitled to an uniform enhancement of the amount of compensation which was assessed at Rs. 2,76,716/- per bigha irrespective of the category and classification of the land. In addition, the appellants were held entitled to all the statutory benefits including interest on the solatium from the date of publication of the notification i.e. 1.7.1995 till the date of payment. These appeals are accordingly allowed and it is held that the appellants shall be entitled to compensation at the rate of Rs. 2,76,716/- per bigha irrespective of the classification of the land. It is expressly clarified that the appellants will be entitled to all the statutory benefits under the Land Acquisition Act, 1894 including the benefits under Section 23 (1-A), 23 (2) and Section 28 and 34 of the Act pursuant to the enhancement of compensation which has been awarded to them in this appeal.

Both these appeals are disposed of. There shall be no order as to costs.

7th September, 2007. **(Dev Darshan Sud),J**

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